

SENATE BILL NO. 1159

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Read 1st time February 28, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5411S.01I

AN ACT

To repeal section 537.353, RSMo, and to enact in lieu thereof one new section relating to liability for damage or destruction of field crop products.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 537.353, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.353, to read as follows:

537.353. 1. Any person or entity who knowingly damages or destroys any field crop product that is grown for personal or commercial purposes, or for testing or research purposes in the context of a product development program in conjunction or coordination with a private research facility, a university, or any federal, state or local government agency, shall be liable for double damages pursuant to this section.

2. Any person or entity who negligently commits any of the acts described in subsection 1 of this section shall be liable only for actual damages involving production, research, testing, replacement, and crop development costs directly related to the crop that has been damaged or destroyed.

3. In awarding damages pursuant to subsection 1 of this section, the courts shall consider the following:

- (1) The market value of the crop prior to damage or destruction; and
- (2) The actual damages involving production, research, testing replacement and crop development costs directly related to the crop that has been damaged or destroyed.

[3.] 4. In addition, the court may award court costs, including reasonable attorneys fees

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EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.